

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

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IN RE: NEW ENGLAND COMPOUNDING	)	
PHARMACY, INC. PRODUCTS LIABILITY	)	
LITIGATION	)	MDL No.: 1:13-md-2419-FDS
	)	
This Document Relates to:	)	
All Cases	)	
_____	)	
IN RE: NEW ENGLAND COMPOUNDING	)	
PHARMACY CASES	)	Master Docket No. 12-12052 - FDS
	)	
This Document Relates to:	)	
All Cases	)	
_____	)	

**[AMENDED PROPOSED]**  
**ORDER GRANTING CHAPTER 11 TRUSTEE’S MOTION**  
**TO TRANSFER PERSONAL INJURY TORT AND**  
**WRONGFUL DEATH CASES TO THIS COURT PURSUANT**  
**TO 28 U.S.C. §§ 157(b)(5) AND 1334 AND ESTABLISHING**  
**PROCEDURES FOR SUBSEQUENT REMOVAL OF CASES**

Upon consideration of the Chapter 11 Trustee’s motion (the “Motion”) which seeks to transfer to this Court pursuant to 28 U.S.C. §§ 157(b)(5) and 1334 personal injury and wrongful death cases pending in various state and federal courts, and the memorandum in support thereof (the “Memorandum”);<sup>1</sup> and the Court having found that notice of the Motion is proper; and it further appearing that the relief requested in the Motion is in the best interests of the Debtor, its estate, creditors, claimants and other parties-in-interest; and after due deliberation and sufficient cause appearing thereof, it is hereby

1. **ORDERED**, that the Motion is granted; and it is further

<sup>1</sup> Capitalized terms used but not defined herein shall have the same meanings ascribed to them in the Motion and Memorandum.

2. **ORDERED**, that, pursuant to 28 U.S.C. § 157(b)(5), the personal injury and wrongful death cases identified on Exhibit A attached hereto (the “Pending Actions”) are removed and transferred to this Court from the courts in which they are currently pending; and it is further

3. **ORDERED**, that, pursuant to 28 U.S.C. § 157(b)(5), the clerk of the respective court for each of the Pending Actions (the “Pending Court”) shall transfer the case file pertaining to the respective Pending Action to the Clerk of the District Court for the District of Massachusetts within \_\_ days of filing a notice of removal and transfer of the Pending Action along with a copy of this Order; and it is further

3. **ORDERED**, that a notice of removal and transfer, pursuant to 28 U.S.C. § 157(b)(5), of each of the Pending Actions, substantially in the form of Exhibit B hereto, and a copy of this Order shall be filed in the respective Pending Court and provided to all parties in interest in each of the Pending Actions; and it is further

4. **ORDERED**, that this Order shall not modify or in any way affect the automatic stay that applies to the Pending Actions under 11 U.S.C. § 362 and which shall remain in full force and effect pending further Order of this Court or the Bankruptcy Court; and it is further

5. **ORDERED**, that this Order is entered without prejudice to any position that the Trustee may take regarding whether 11 U.S.C. §§ 105 and 362 operate to stay any Pending Action or to render null and void the post-petition filing of any Pending Action.

6. **ORDERED**, that with regard to actions relating to the Outbreak or the Compounds filed or discovered after the date of entry of this Order (the “Subsequent Actions”):

a. The Trustee is authorized to send a notice substantially in the form attached hereto as Exhibit C (the “Subsequent Actions Notice”) along with a copy of this Order,

to all parties to Subsequent Actions that are within the scope of this Order;

b. Parties wishing to object to transfer (“Objecting Parties”) shall have the opportunity to do so as set forth in the Subsequent Actions Notice. Objecting Parties, whether or not a party to a proceeding currently before this Court, are hereby permitted to intervene in order to file an objection. Likewise, in filing such an objection, Objecting Parties located outside of Massachusetts are hereby permitted to be represented by counsel in good standing in the state in which such parties are located without the prior submission of an application for admission *pro hac vice* or retention of local counsel; and

c. To the extent there is no timely objection to the Subsequent Action Notice, the Trustee may file the form of Notice of Removal attached hereto as Exhibit B in the Subsequent Action, and this Order shall apply to such Subsequent Action.

Dated: April \_\_, 2013  
Boston, Massachusetts

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Judge F. Dennis Saylor  
United States District Court Judge